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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MICHALSKI, JUSTIN I

ART UNIT PAPER NUMBER

2615

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/965,596	<b>Applicant(s)</b> MERCUS ET AL.	
	<b>Examiner</b> Justin Michalski	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/14/06</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11 April 2006 have been fully considered but they are not persuasive. Arguments pertain to currently amended claims. These arguments are not persuasive as set forth in the following rejections.
2. Claims 30 and 31 (previously objected) now stand rejected due to updated search and consideration.

### ***Claim Objections***

3. Claim 31 is objected to because of the following informalities: Claim 31 does not contain a period at the end. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 6-8, 10, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle (US Patent 5,608,807) in view of Zampini et al. (US Patent 5,319,359).

Regarding Claim 1, Brunelle discloses a multi-track recording system, comprising a plurality of indicator lights (lights of 18 and 4), each indicator light in said plurality of

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indicator lights corresponding to a track of the multi-track recording system (Col. 6, lines 18-31). Brunelle does not disclose least one indicator light of said plurality of indicator lights configured with at least two light emitting devices enclosed within a single transparent housing and collectively outputting a first color and a second color wherein the first color identifies that the system is operating in a first mode where the corresponding track is able to be mixed with other tracks and the second color identifies that the system is operating in the second mode where the corresponding track is associated with an output of recorded material. Zampini discloses plurality of indicator lights configured with at least two light emitting devices enclosed within a single transparent housing (paragraph bridging columns 1 and 2) and collectively outputting a first color and a second color wherein the first color identifies that the system is operating in a first mode where the corresponding track is able to be mixed with other tracks and the second color identifies that the system is operating in the second mode where the corresponding track is associated with an output of recorded material (Col. 4, lines 62 through Col. 5, lines 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a light to output a first and second color in order to provide the user with a status indicator using an efficient amount of space (Col. 4, lines 40-48).

Regarding Claim 6, Brunelle discloses a multi-track recording system, comprising a plurality of indicator lights (lights of 18 and lights of 4), each indicator light in said plurality corresponding to a track of the multi-track recording system (Col. 6, lines 18-31), each indicator configured to output a first form and a second form wherein the first

form is associated with the output of an input of the corresponding track and the second form is associated with the output of recorded material (Col. 4, lines 34-51). Brunelle does not disclose that the each indicator light is configured to output a first and second color wherein the first color is associated with the output of the recorded material.

Zampini also discloses a multi track system where an LED indicates a status of a first and second device by outputting a first and second color (paragraph bridging columns 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a light to output a first and second color in order to provide the user with a status indicator using an efficient amount of space (Col. 4, lines 40-48).

Regarding Claims 2, 3, 4, 8, 9, and 10, since Brunelle discloses that identification information could be changed as necessary (Col. 5, lines 39-42). Therefore, it would have been obvious to have an alternation blinking sequence between two colors as claimed because it would have been an alternative way of indication different situations or signs.

Regarding Claim 7, Brunelle further discloses the output to the plurality of level meters is derived from an external source (Col. 5, lines 36-39).

Regarding Claim 27, Zampini further discloses features are applicable to other types of control of mix or cross fade operations (i.e. third non-transport mode) (Col. 2, lines 8-10).

Regarding Claim 28 and 29, Zampini further discloses features are applicable to other types of control of mix operations (Col. 2, lines 7-11).

Regarding Claim 30, Brunelle discloses a multi-track recording system, comprising a plurality of indicator lights (lights of 18 and lights of 4), each indicator light in said plurality corresponding to a track of the multi-track recording system (Col. 6, lines 18-31), each indicator configured to output a first form and a second form wherein the first form is associated with the output of an input of the corresponding track and the second form is associated with the output of recorded material (Col. 4, lines 34-47). Brunelle does not disclose that the each indicator light is configured to output a first and second color wherein the first color is associated with the output of the recorded material. Zampini also discloses a multi track system where an LED indicates a status of a first and second device by outputting a first and second color (paragraph bridging columns 1 and 2). Zampini further discloses features are applicable to other types of control of mix or cross fade operations (i.e. third non-transport mode) (Col. 2, lines 8-10) and discloses features are applicable to other types of control of mix operations (Col. 2, lines 7-11). It is well known in the art that blinking or alternating is a method of indicating mode or operational status. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a light to output a first and second color in order to provide the user with a status indicator using an efficient amount of space (Col. 4, lines 40-48).

Regarding Claim 31, Brunelle discloses a multi-track recording system, comprising a plurality of indicator lights (lights of 18 and lights of 4), each indicator light in said plurality corresponding to a track of the multi-track recording system (Col. 6, lines 18-31), each indicator configured to output a first form and a second form wherein

the first form is associated with the output of an input of the corresponding track and the second form is associated with the output of recorded material (Col. 4, lines 34-47).

Brunelle does not disclose that the each indicator light is configured to output a first and second color wherein the first color is associated with the output of the recorded material. Zampini also discloses a multi track system where an LED indicates a status of a first and second device by outputting a first and second color (paragraph bridging columns 1 and 2). Zampini further discloses features are applicable to other types of control of mix or cross fade operations (i.e. third non-transport mode) (Col. 2, lines 8-10). It was well known in the art that blinking is a method of indicating modes or operational status. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a light to output a first and second color in order to provide the user with a status indicator using an efficient amount of space (Col. 4, lines 40-48).

6. Claim 18, 19, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle (US Patent 5,608,807) in view of Turnbull et al. (US Patent 5,803,579).

Regarding Claim 18, Brunelle discloses a method of indicating a track status of a track in a multi-track recording system comprising: determining a transport movement of the track in the multi-track recording system (output meter 4); indicating the transport movement of the track by illuminating a first light emitting diode disposed in a housing (output meter 4); determining a mode of the track in the multi-track recording system

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(instrument indicator 18). Brunelle does not disclose indicating the mode of the track by illuminating a second light emitting diode disposed in the housing in close proximity to the first light emitting diode such that when both the first LED and the second LED are activated, a third color is generated. Brunelle discloses that identification information could be changed as necessary (Col. 5, lines 39-42). Turnballe et al. discloses a led with two colors to produce a third color (Col. 26, lines 38-53) to produce greater illumination. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a LED with two colors to produce a greater illumination and a more compact and space efficient visual output.

Regarding Claim 19, since Brunelle discloses that identification information could be changed as necessary (Col. 5, lines 39-42), it would have been obvious to have an alternation blinking sequence between two colors as claimed because it would have been an alternative way of indication different situations or signs.

Regarding Claims 21, 24, and 25, Brunelle does not disclose a color produced by a first and second color. Brunelle discloses that identification information could be changed as necessary (Col. 5, lines 39-42). Turnballe et al. discloses a LED with two colors to produce a third color (Col. 26, lines 38-53) to produce greater illumination in a transparent housing (28 and 29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a LED with two colors to produce a greater illumination.



7. Claims 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zampini et al. (US Patent 5,319,359).

Regarding Claim 20, Zampini discloses a plurality of recording tracks (Fig. 1); and a display comprising a plurality of single indicator lights (LED's, Col. 2, lines 5-23), each single indicator light conveying a monitored status of one corresponding track of the plurality of recording tracks, wherein the monitored status indicates both a transport movement and a mode (active device, paragraph bridging columns 1 and 2) of the one corresponding track. Although Zampini does not explicitly disclose the lights corresponding to a transport movement, Zampini discloses that the features of the invention are equally applicable with respect to other types of control of a mix or cross fade operation (i.e. transport movement) (Col. 2, lines 7-10). It is notoriously well known in the art that transport modes such as play and stop are commonly displayed to indicate to the user the status of an audio system. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to indicate the output of a transport mode by a light indicator using an efficient amount of space.

Regarding Claim 22, it is inherent that the output LEDs will indicate playing of the track by indicating it's output.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zampini as applied to claim 20 above in view of Zampini et al. (Zampini '789) (US Patent 5,444,789). Zampini does not disclose the mode of the track indicates one of a group comprising Read Audio Input On, Read Audio Input Off, Monitor, Slip Channels,

Located Edits, or Input/Output Gain Adjustment. Zampini '789 discloses a mixer device with a LED which is automatically lit during monitoring, thereby indicating that the line out channels are being monitored (Paragraph bridging columns 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to indicate that a line out channel is being monitored for feedback to the user of the device.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zampini as applied to claim 20 above in view of Brunelle (US Patent 5,608,807). Zampini discloses a system as stated apropos of claim 20 but does not disclose a level meter corresponding to the indicator lights. Brunelle also discloses a mixer with level meter (4) to indicate the level of audio sound for each channel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a level meter in order to indicate the output level for each channel as disclosed by Brunelle (Col. 4, lines 49-50).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (571)272-7524. The examiner can normally be reached on M-F 7-3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JIM  


June 23, 2006



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